

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

SEGONE, INC.,

Plaintiff,

v.

Civil Action No. 3:07cv342-JR

FOX BROADCASTING COMPANY,

Defendant.

DECLARATION OF STEPHEN LEE CONKLING

I, Stephen Lee Conkling, declare and state as follows:

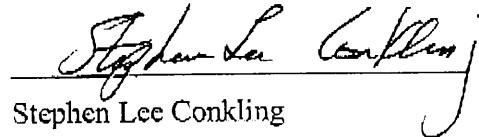
1. I am currently the General Manager of Sustainable Solutions at TyraTech, Inc. Until May 2007, I was Chief Executive Officer of segOne, Inc. I held that position starting February, 2003. Prior to that, I held the position of Chief Financial Officer at segOne. I began in that position in February, 2001. I have personal knowledge of the facts set forth in this declaration.

2. segOne's business plan has been to distribute the segOne Device to commercial customers who display television programming on their premises using a television signal provided by a commercial cable television or satellite television distributor.

3. The advertising and other materials displayed to viewers by the segOne Device are targeted to the specific interests of viewers in the particular establishment utilizing the segOne Device. The purpose and effect of the segOne Device is to increase

the relevance, effectiveness, and, as a consequence, the value, of programming shown to persons viewing television in establishments such as bars, health clubs, car dealerships, etc. In each of these settings, the presence of the viewer provides useful information about that viewer's interests, and also about the type of advertising and programming likely to be of interest to that viewer.

I declare this 12th day of September, 2007, under penalty of perjury under the laws of the United States, that the foregoing is true and correct to the best of my recollection.


Stephen Lee Conkling
Stephen Lee Conkling